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FIGURE AMENDMENTS:

Please replace the three sheets of figures as filed with the enclosed two sheets of figures.

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Remarks

The Examiner has objected to the drawings and required replacement sheets in compliance with 37 CFR 1.121(d) and 37 CFR 1.84(c). In response thereto, the Applicant has replaced the drawings with enclosed replacement sheets 1 and 2. The specification has also been amended to eliminate former figure 3. Review and acceptance is requested.

The Examiner has objected to the specification because the various portions of the specification lack headings. In response thereto, the Examiner is referred to the preliminary amendment filed with the instant request for nationalization. Based on the Examiners' remarks, it would appear that this preliminary amendment was not entered in full by the USPTO, since that preliminary amendment directed entry of the required headings. A copy of the preliminary amendment as filed is enclosed for the Examiner's convenience. Since the Applicant is not aware of which portions of the preliminary amendment were entered by the USPTO, the USPTO is respectfully requested to examine the preliminary amendment in the light of entered portions thereof and to enter missing portions, if necessary, by Examiners' amendment.

The Examiner has rejected claims 10 through 14, 17 through 19 and 21 under 35 USC 102(b) as being anticipated by Gogolewski '601. Claim 15 stands rejected under 35 USC 103(a) as being unpatentable over Gogolewski '601 in view of Steger '499. Claim 16 stands rejected under 35 USC 103(a) as being unpatentable over Gogolewski in view of Steger as applied to claim 15 and in further view of Collins '053. Claim 20 stands

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rejected under 35 USC 103(a) as being unpatentable over Gogolewski '601.

The Applicant respectfully disagrees with the rejection of independent, base claim 10 for the following reasons.

Claim 10 recites a bone screw having a screw head which is substantially spherical and with a fluting having a depth which increases from each pole of this spherical head towards the equator thereof. Therefore, the depth of the fluting changes with vertical travel along the head, having a maximum depth at the central portion of the spherical head (equator) and decreasing in depth towards the top and bottom portions of the head. These limitations are not met by the Gogolewski reference, since the head of the bone screw of Gogolewski is not substantially spherical, rather has the shape of a truncated cone. Moreover, the depth of the flutings of Gogolewski do not increase from the ends of the head towards a maximum diameter portion (equator) to then decrease in further travel towards the opposite extremity of the head, rather they change monotonically from one end towards the other end of the head. Therefore, Gogolewski meets neither the recitation of "substantially spherical" nor the limitation of decreasing groove depth towards both the top and bottom of the spherical head. For this reason, elements are claimed in the instant invention which are absent from the prior art of record, thereby distinguishing the claims from that prior art with respect to 35 USC 102.

The dependent claims inherit the limitations of claim 10 and are therefore similarly patentable. Review and acceptance as well as passage to issuance is therefore requested.

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No new matter has been added in this amendment.

Respectfully submitted,

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October 04, 2006

Date

Enclosures:

New drawing sheets 1 and 2

Copy of preliminary amendment as filed

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